

REMARKS/ARGUMENTS

Claims 1-24 are pending in this application, with claims 1, 13 and 24 being the only independent claims. Claims 1, 10, 13, and 24 are amended by the present communication. Claim 18 is canceled without prejudice or disclaimer. Reconsideration of the above-identified application, as herein amended and in view of the following remarks, is respectfully requested.

Claims 1-24 stand rejected under 35 U.S.C. §103 as unpatentable over U.S. Patent No. 5,754,656 (Nishioka) in view of U.S. Patent No. 6,209,095 (Anderson).

Before discussing the cited prior art and the Examiner's rejections of the claims in view of that art, a brief description of the subject matter described in the present application is deemed appropriate to facilitate understanding of the arguments for patentability. The description is not meant to argue unclaimed subject matter.

The present invention relates to a method for implementing commercial transactions using a mobile station. The commercial transactions may include, for example, paying a bill and transacting business with a bank. According to a specific embodiment, a local payment machine (LPM) 2 first generates an electronic form and the material to be signed, computes a hash code H1 from the material, and then transfers the material and the hash code to a mobile station (see page 5, lines 24-27; page 8, line 34 - page 9, lines 3; page 9, lines 28-31; page 10, lines 15-17; and Fig. 1 of the present application). The payment machine is any local or locally operated automated machine capable of communicating over a telecommunication network with a service provider, such as a bank, shop, or other payee (see page 7, lines 3-7). The form generated by the payment machine is defined in the specification as a message, dispatch or information structure with various contents and the form may consist of object type or software type information that can be processed in electronic form (see page 3, lines 31-36). The mobile station communicates with the local payment

machine using wireless technology such as Bluetooth or an infrared interface (see page 9, lines 1-10). In one specific embodiment, the mobile station is a mobile telephone (page 9, line 35). The material and hash code are signed by the user using the mobile station (page 9, line 36 - page 10, line 1). A display on the mobile station allows the user to check whether the information in the material is correct before the user signs the material and hash code (page 11, lines 14-18). After the user has signed the material and the hash code, the payment machine authenticates the material with the digitally signed hash code (page 10, lines 1-10).

Independent claim 1 is amended to recite “creating, by a payment machine, an electronic form.” Support for this amendment is found, for example, at page 5, lines 24-27, page 6, line 36 to page 7, line 3, and page 10, lines 15-17 of the present application. Independent claim 1 is further amended to recite that “the mobile station includes a display capable of displaying at least a portion of the material to be signed or information related to the information to be signed.” Support for this amendment is found, for example, at page 9, lines 32-36; page 11, lines 14-18; and Fig. 1. Independent claim 1 is further amended to recite “digitally signing, by a user using the mobile station, the material and the first hash code.” Support for this limitation is found on page 9, line 36 to page 10, line 1.

In the rejection of the claims in the Office Action dated October 28, 2009, the Examiner has interpreted the smart card 20 in Nishioka as the claimed mobile station and the user site apparatus 10 in Nishioka as the claimed payment station. Independent claim 1 now clarifies that the mobile station has a display capable of displaying at least one of the material to be signed and information related to the information to be signed. Accordingly, the smart card 20 of Nishioka can not be considered to be the claimed mobile station.

It is significant in the present invention (1) that the user performs the signing using the mobile station and (2) that the local payment machine generates a document for signing that is sent to the mobile station. The combination of Nishioka and Anderson fails to disclose these features.

Nishioka discloses an electronic shopping method. According to Nishioka, a user site apparatus 10, i.e., a terminal, is operated by a user who has a smart card 20 (see Fig. 1, and col. 9, lines 3-6 of Nishioka). A retail store site apparatus 30 is installed in a retail store and is connected to the user site apparatus 10 by a communication line 50 for introducing various products to the user (col. 9, lines 6-9). Nishioka teaches that the user site apparatus 10 corresponds to a terminal possessed by a user in which the smart card 20 is inserted (col. 9, lines 16-20).

In the Nishioka shopping method, a user inserts the smart card into the user site apparatus 10, i.e., the user possessed terminal, and utilizes the user site apparatus 10 to select items for purchase from the retail store site apparatus 30, which is connected to the user site apparatus 10 by the communication line 50 (col. 10, lines 38-43). The user then activates a document producing unit 102 on the user site apparatus 10 which produces a written order for items that the user wishes to purchase from the retail store site apparatus 30 (col. 10, lines 44-52). This written order is sent to the smart card 20 (col. 10, lines 66-67). The smart card enciphers part of the written order P2 and sends it to the retail store site apparatus 30 (col. 11, lines 1-18). Retail store site apparatus 30 then deciphers the order (col. 11, lines 55-60). In a further embodiment, the user site apparatus generates a hash and the retail store site apparatus 30 authenticates the signed hash (see col. 14, lines 18-23).

Since the smart card of Nishioka does not include a display, the smart card 20 of Nishioka can not be considered to be the claimed mobile station, which “includes a display capable of displaying at least one of the material to be signed and information related to the information

to be signed”, as recited in independent claim 1. Moreover, if the user site apparatus 10 of Nishioka is considered to be the claimed mobile station, then Nishioka fails to disclose, teach or suggest “creating, by a payment machine, an electronic form”, as expressly recited in independent claim 1.

Anderson fails to teach or suggest that which Nishioka lacks. As indicated by the Examiner, Anderson discloses a signing method for computer-based document signing which utilizes a PCMCIA card or smart card. According to Anderson, separate hashes are calculated for two sections of a document (see Fig. 35; and col. 20, lines 16-31 of Anderson). The hashed sections are placed consecutively in a message and a hash is calculated for the combined sections, which is signed. This ensures that no third party has tampered with any of the parts of the document, i.e., the final signature ensures the authenticity of the entire document. Furthermore, Anderson discloses that the payer 12 creates the financial instrument and signs it (see, e.g., col. 23, lines 41-45). And a payee receives and validates the signature (see col. 23, lines 57-60).

In Anderson, the Examiner also considers the PCMCIA cards or smart cards to be the claimed mobile station. As described above, the claimed mobile station now requires a display which the smart cards do not have. Furthermore, since Anderson discloses that the payer both creates and signs the document and a separate entity verifies the signature, Anderson fails to teach or suggest “creating, by a payment machine, an electronic form”, “computing, in the payment machine, a first hash code for the material to be signed” and “verifying, in the payment machine, the authenticity of the signed and transferred material by comparing the signed hash code with the first hash code computed from the material before signature”, as now expressly recited in independent claim 1.

In view of the above amendments and remarks, independent claim 1 is deemed to be allowable over Nishioka in view of Anderson.

Independent claims 13 and 24 include similar limitations. Accordingly, independent claim 13 and 24 are allowable for at least the same reasons as is independent claim 1.

Dependent claims 2-12 and 14-23 are allowable for the same reasons described above with respect to independent claims 1 and 13, as well as for the additional recitations contained therein.

It is believed that no additional fees or charges are required at this time in connection with the present application. However, if any additional fees or charges are required at this time, they may be charged to our Patent and Trademark Office Deposit Account No. 03-2412.

Respectfully submitted,
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